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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/863,457 05/27/97 KRISHNAMURTHI

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WM02/1205

EXAMINER

NGUYEN, S

ART UNIT

PAPER NUMBER

2664

DATE MAILED:

12/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/863,457

Applicant(s)

Krishnamurthi

Examiner

Steven Nguyen

Group Art Unit

2731



☒ Responsive to communication(s) filed on Sep 20, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-3, 6, 8, 9, and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spartz (USP 5878036) in view of Bolon et al. (USP 5822420).

Spartz discloses a mobile switching center (MSC) 16 connected to a base station sub-system (BSS) 15 via an A-interface (Fig. 1). However, Spartz fails to disclose a step of detecting the occurrence of condition whereby a mobile subscriber

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attempts to make a call while another party is attempting to call the same mobile subscriber and generating a message signal at a mobile switching center for transmitting to the mobile subscriber via base station. In the same field of endeavor, Bolon discloses a method of detecting the occurrence of condition whereby a mobile subscriber attempts to make a call while another party is attempting to call the same mobile subscriber and generating a message signal at a switching center for transmitting to the mobile subscriber via base station (See Fig 3, col 3, lines 3-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a signaling protocol as disclosed by Bolon for detecting the occurrence of condition whereby a mobile subscriber attempts to make a call while another party is attempting to call the same mobile subscriber and generating a message signal at a switching center for transmitting to the mobile subscriber via base station into Spartz's communication system. The motivation/suggestion would have been to notify the end points and correct the procedure for establishing a telephone call in a communication system.

3. Claims 4-5, 7, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spartz and Bolon as applied to claims 1, 6 and 11 above, and further in view of Baldwin (USP 5,633,868).

Spartz and Bolon do not explicitly recite that the paging signal and the page message signal are Alert With Information Message Signals.

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Baldwin shows transmitting Alert With Information Message Signals between a wireless gateway and a subsystem of a CDMA wireless network (col. 10, lines 20-24, and Fig. 4). To use Alert With Information Message Signals would have been obvious to one of ordinary skill in the art because Alert With Information Messages have been widely used to represent incoming calls and other data from a base station to a mobile unit over a voice channel.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on Monday through Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (703) 305-4366.

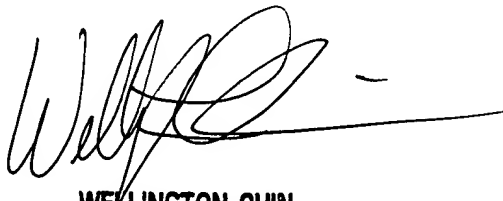
The fax phone number for this group is (703) 305-3988.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

STEVEN H. D. NGUYEN

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November 24, 2000



WELLINGTON CHIN
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